

**ZB# 06-47**

**Michael Faricellia**

**45-1-11**

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 8-28-06*

06-47  
Michael Faricellia (Area)  
1650 Blooming Grove Tpk. (Sheds)  
(45-1-11)

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 45-1-11

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

MICHAEL FARICELLIA

CASE # (06-47)

**WHEREAS, Michael Faricellia**, owner(s) of 650 Blooming Grove Turnpike, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for:

- ☐ 8 ft. Rear Yard Setback for existing 8' X 4' Shed and;
  - ☐ 7 ft. Side Yard Setback and 8 ft. Rear Yard Setback for existing 8' X 20' Shed
- at 650 Blooming Grove Turnpike in an R-4 Zone (45-1-11)

**WHEREAS**, a public hearing was held on August 28, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there was one spectator(s) appearing at the public hearing; and

**WHEREAS**, one person spoke in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties in an R-4 zone.
  - (b) The property contains two sheds, one of which has been there for approximately 20 years and one of which has been there for approximately five or more years.

- (c) In constructing the sheds, the applicant will not remove any trees or substantial vegetation.
- (d) In building the sheds the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (e) In building the sheds the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (f) Since the sheds have been constructed, there have been no complaints, either formal or informal, about the sheds.
- (g) Although there are two sheds on the property, they are attached, making it appear visually as a single shed.
- (h) The sheds are constructed on a gravel foundation.

**WHEREAS**, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

**NOW, THEREFORE, BE IT**

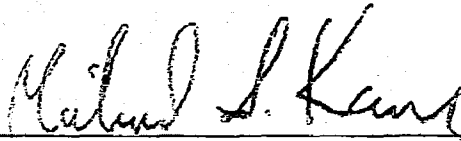
**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for:

- ☐ 8 ft. Rear Yard Setback for existing 8' X 4' Shed and;
- ☐ 7 ft. Side Yard Setback and 8 ft. Rear Yard Setback for existing 8' X 20' Shed at 650 Blooming Grove Turnpike in an R-4 Zone (45-1-11) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: August 28, 2006



Chairman

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**DATE:** 7/6/06

**APPLICANT:** Michael J. Faricellia  
650 Blooming Grove Turnpike  
New Windsor, NY 12553

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:** 7/5/06

**FOR :** Michael J. Faricellia

**LOCATED AT:** 650 Blooming Grove Turnpike

**ZONE:** R-4      **Sec/Blk/ Lot:** 45-1-11

**DESCRIPTION OF EXISTING SITE:** Single Family Dwelling-with (2) sheds

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

1. 300-11, A-1b Accessory buildings shall be set-back 10ft from any lot line. A variance for (2) sheds-one 2ft from the property line requiring an 8ft rear yard variance and the other shed 3ft & 2ft from property lines requiring a 7ft side yard & an 8ft rear yard variance.

**COPY**

*Louis J. Kybur*  
BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:	
ZONE: R-4    USE: (2) Sheds			
MIN LOT AREA:			
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD: (8x20 Shed)	10ft	3ft	7ft
REQ'D TOTAL SIDE TD:			
REQ'D REAR YD: (8x4 Shed)	10ft	2ft	8ft
(8x20 Shed)	10ft	2ft	8ft
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:			

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percol test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:

Building Permit #: 18-2006-711

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

☒ Owner of Premises Michael Faricella

☒ Address 650 Blooming grove tpke

☒ Phone # 590 4300

☒ Mailing Address Same

Fax # \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_



Name of Contractor \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 45 Block 1 Lot 11

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy Storage b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other Existing

6. Is this a corner lot? Yes

8x14  
Shed

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_

Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \$50.00

**PAID**  
CH #2740  
\$50.00 (part of \$100)

**ZONING BOARD**

\_\_\_\_/\_\_\_\_/\_\_\_\_  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Liel & Louis Kryohsar  
New Windsor Town Hall  
855 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4885 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

  
(Signature of Applicant)

650 Blooming grove +PKC  
(Address of Applicant)

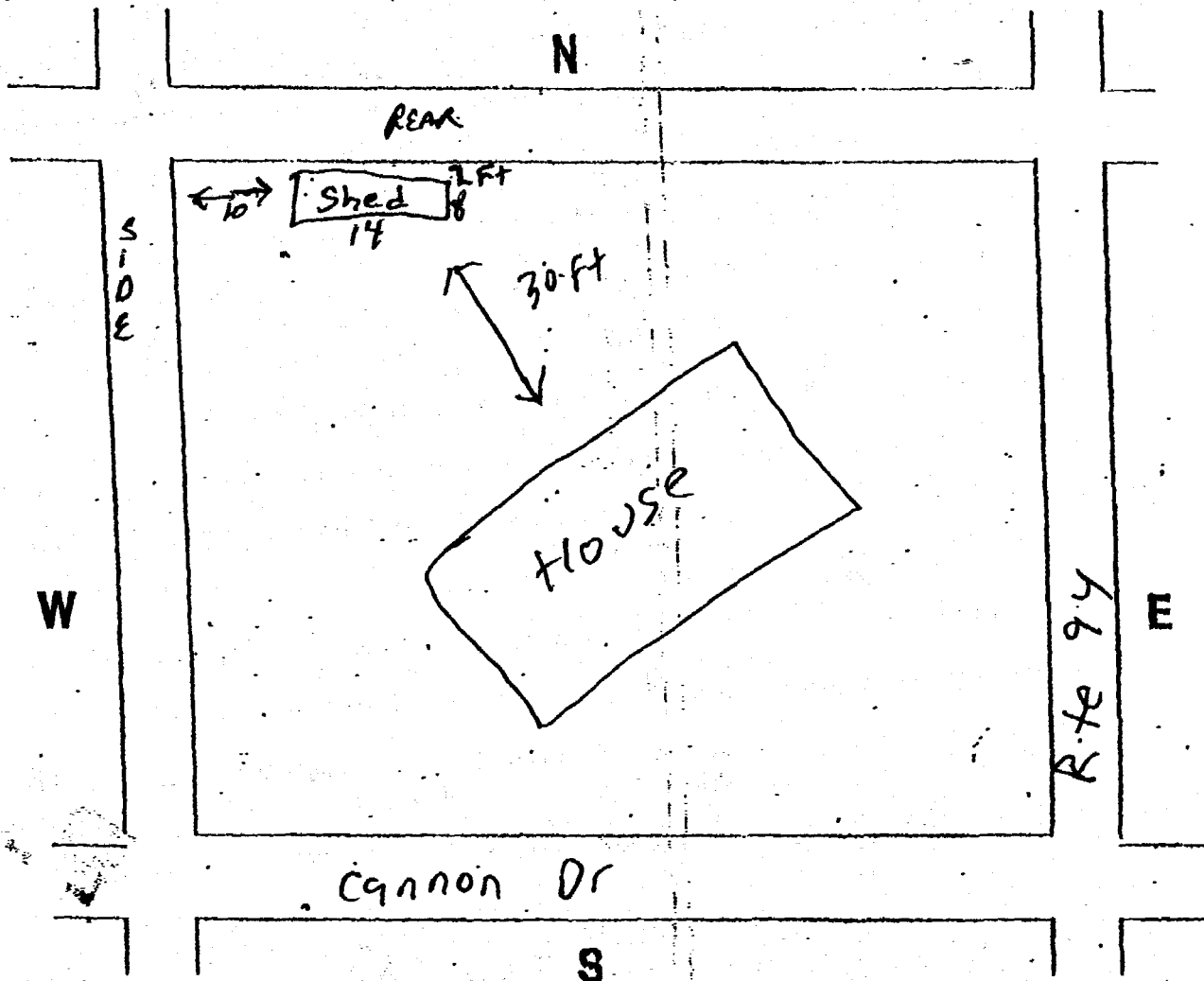
  
(Owner's Signature)

650 Blooming grove +PKC  
(Owner's Address)

LOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

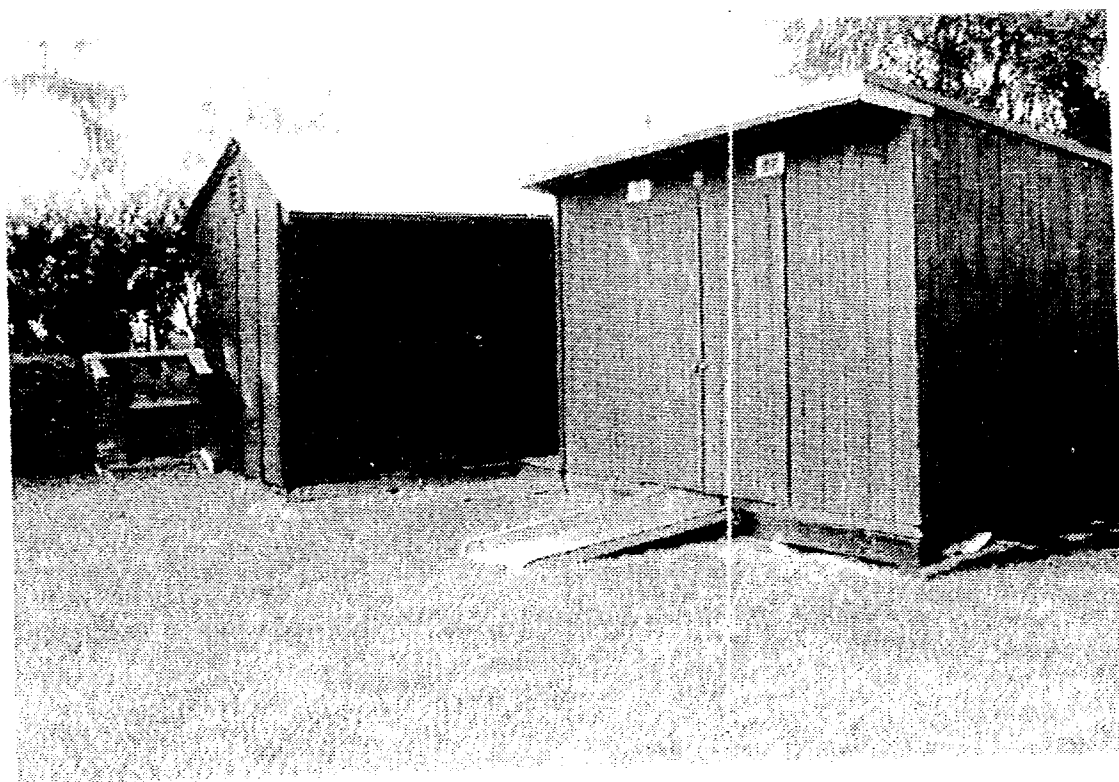
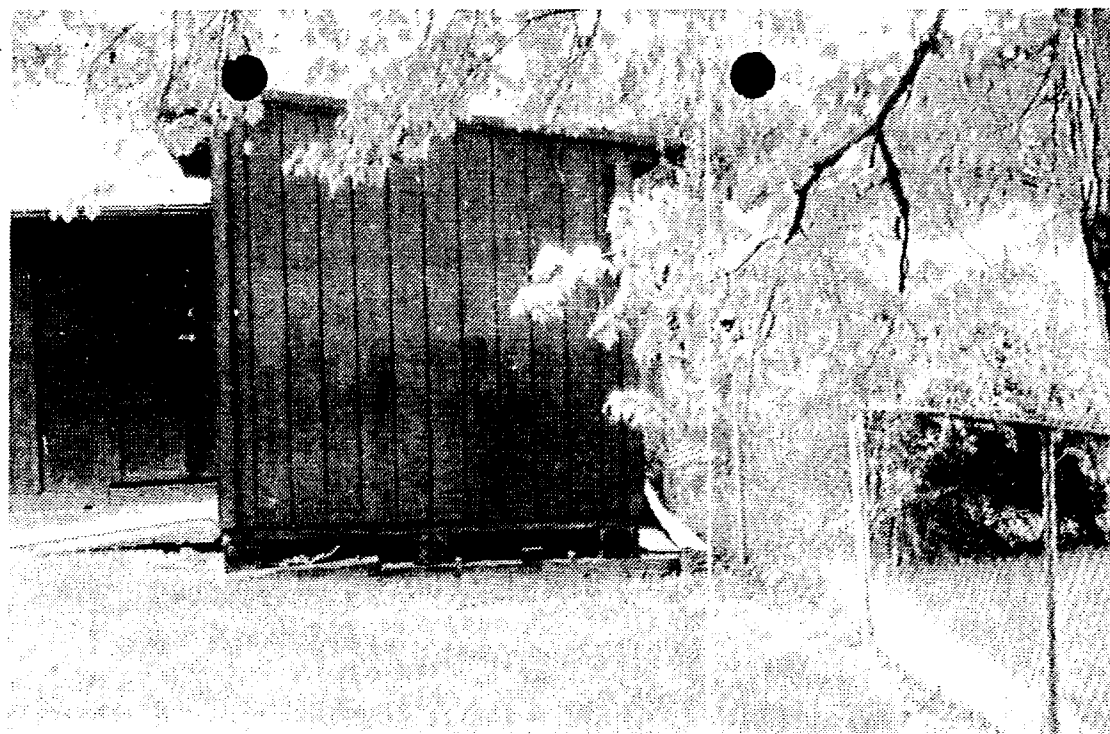


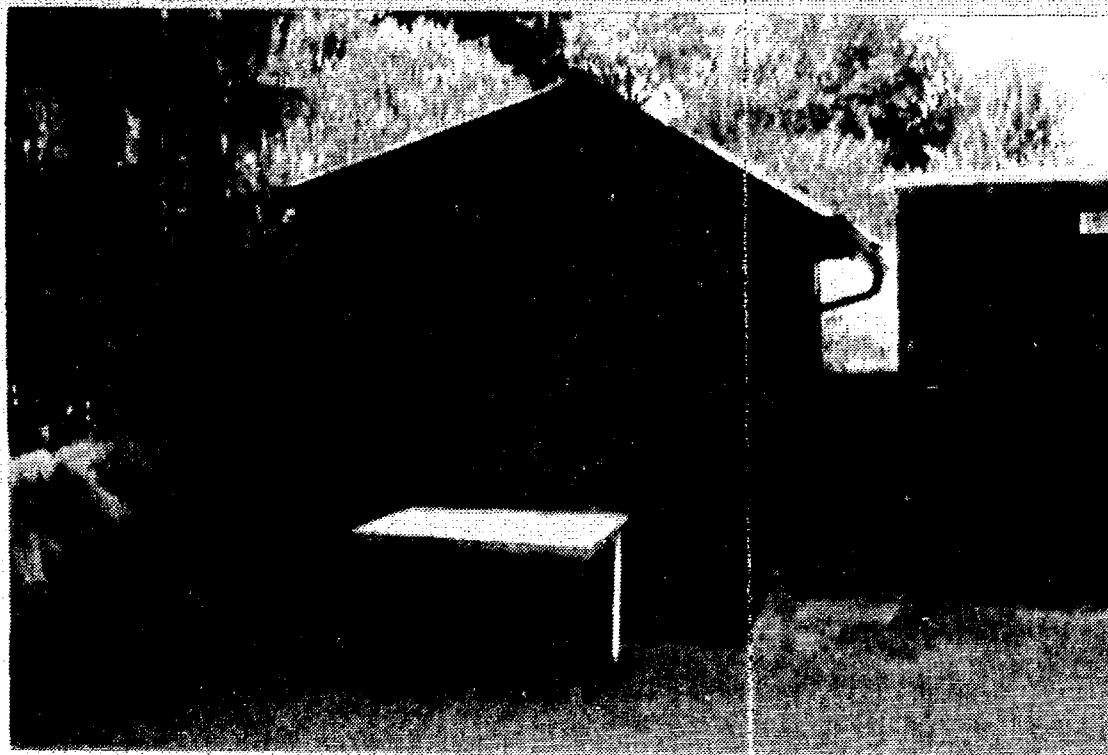


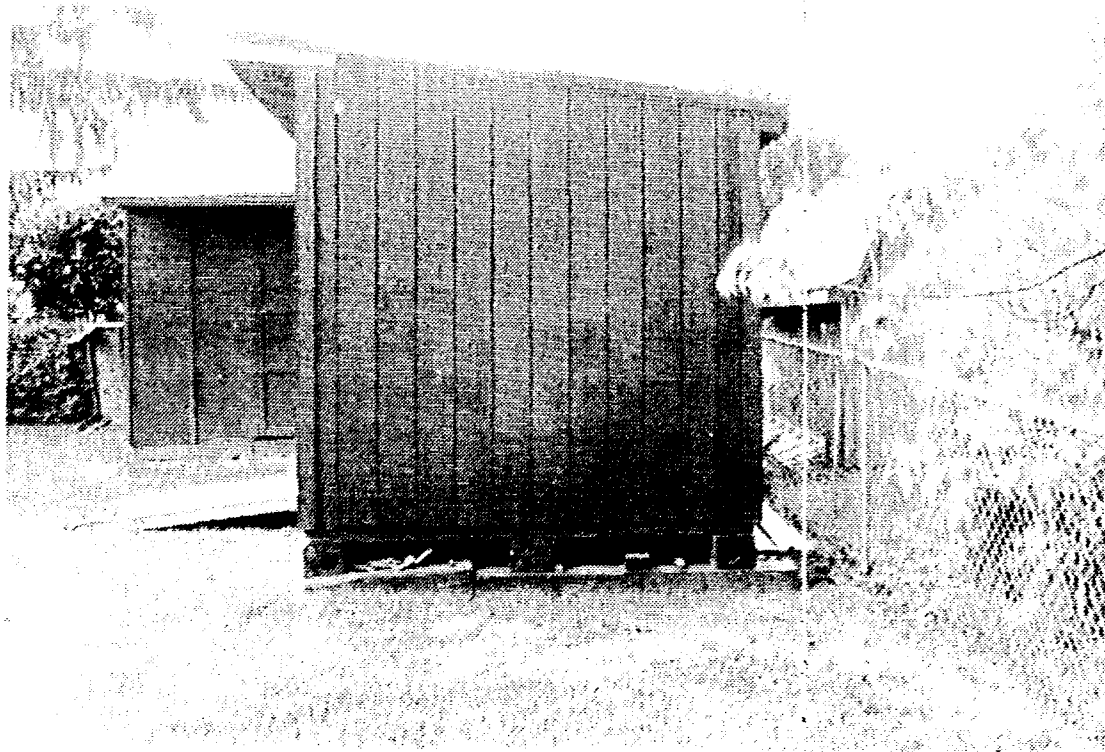
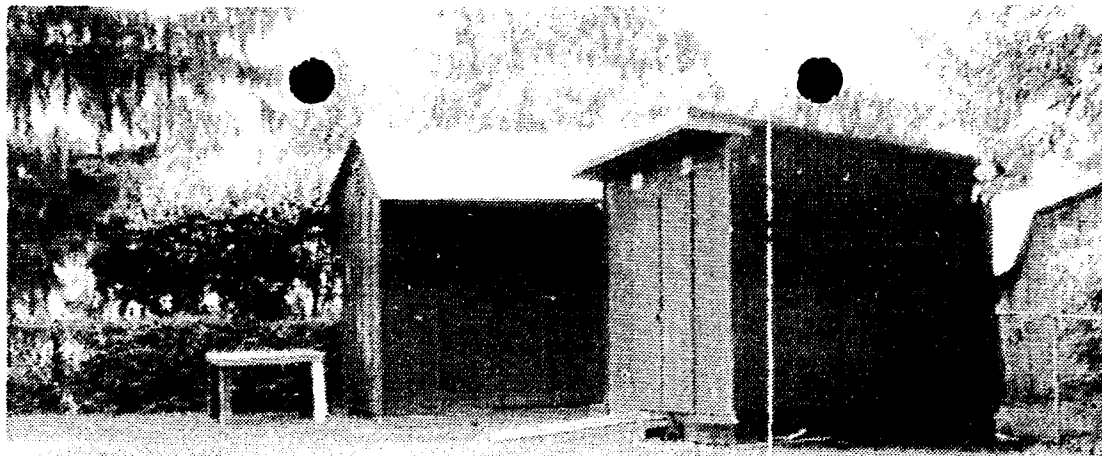
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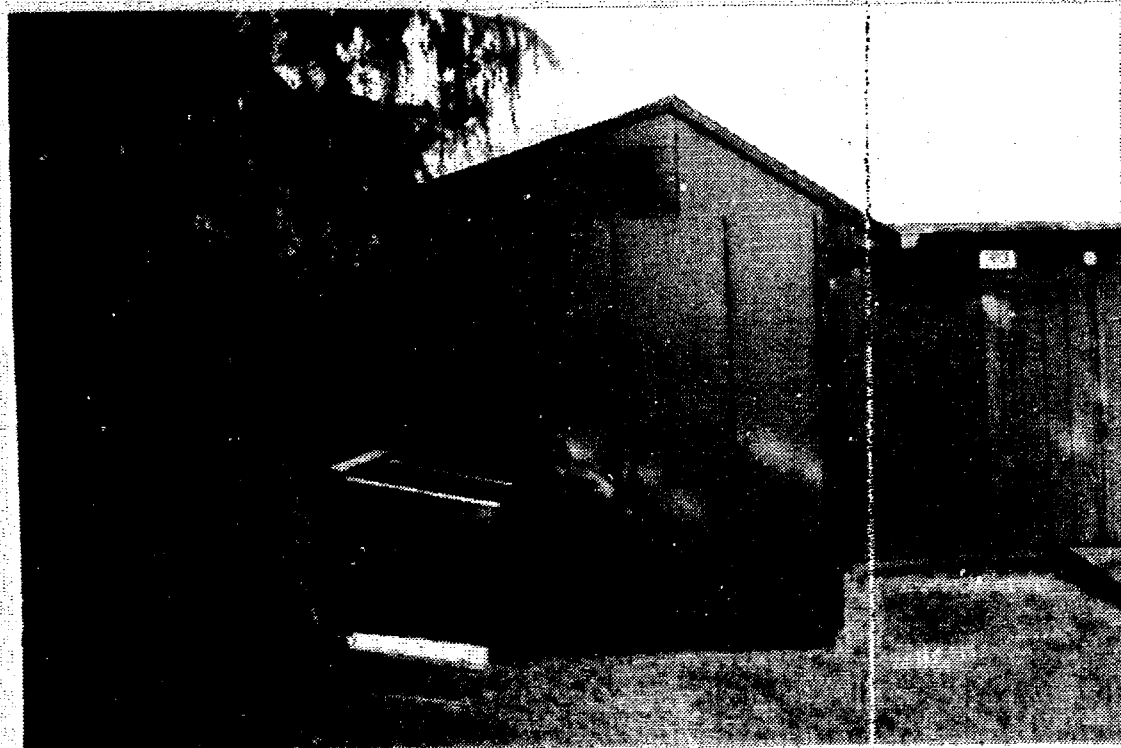
## Technician

**Date of Revision**











**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: OCTOBER 24, 2006**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 162.10 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #06-47**

**NAME & ADDRESS:**

**Michael Faricellia  
650 Blooming Grove Tpk.  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**L.R.10-24-06**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #06-47      TYPE: AREA      TELEPHONE: 590-4300

**APPLICANT:**

Michael Faricellia  
650 Blooming Grove Tpk.  
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>2742</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 2741



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	<u>\$ 21.00</u>	<u>\$ 35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>
PUBLIC HEARING:	<u>5</u>	PAGES	<u>\$ 35.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>

LEGAL AD: Publish Date: 08-08-06      \$ 11.90

TOTAL:	<u>\$ 67.90</u>	<u>\$ 70.00</u>
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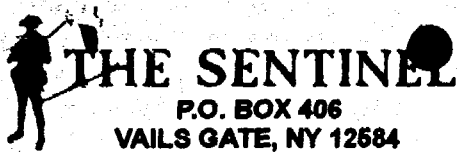
ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 137.90

AMOUNT DUE:      \$ \_\_\_\_\_

REFUND DUE:      \$ 162.10

Cc:

L.R. 10-24-06



P.O. BOX 406  
VAILS GATE, NY 12584

# Invoice

Date	Invoice #
9/12/2006	8193

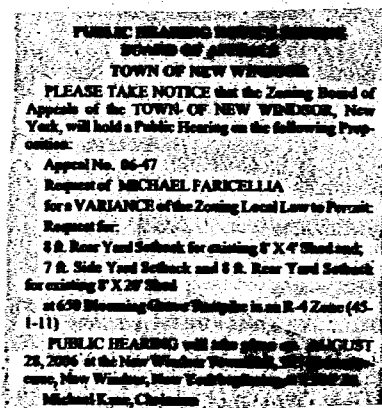
Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

*Handwritten signature/initials*

P.O. No.	Terms	Project
45917	Due on receipt	

Issue Date	Description	PCS/Units	Amount
8/8/2006	LEGAL ADS: MICHAEL FARICELLIA 1 AFFIDAVIT	7.90 4.00	7.90 4.00
<b>RECEIVED</b> OCT 2 2006 TOWN OF NEW WINDSOR COMPTROLLER'S OFFICE			
<b>Total</b>			\$11.90

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845) 562-1218



State of New York  
County of Orange, ss:  
Patricia Quill being duly  
sworn disposes and says that she is The  
Supervisor of Legal Dept. of the E.W. Smith  
Publishing Company; Inc. Publisher of The  
Sentinel, a weekly newspaper published and  
of general circulation in the Town of New  
Windsor, Town of Newburgh and City of  
Newburgh and that the notice of which the  
annexed is a true copy was published LX  
in said newspaper, commencing on  
the 8 day of Aug A.D., 2006  
and ending on the 8 day of Aug  
A.D. 2006

*Patricia Quill*

Subscribed and shown to before me  
this 18<sup>th</sup> day of Sept, 2006 \_\_\_\_\_.

*Deborah Green*

Notary Public of the State of New York  
County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4254065  
Commission Expires July 15, 2007

My commission expires \_\_\_\_\_



August 28, 2006

**ZBA #** 06-47  
**P.B.#**

**USE VARIANCE:      NEED: EAF \_\_\_\_\_ PROXY**

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M)\_\_\_\_S)\_\_\_\_ VOTE: A\_\_\_\_N\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**SCHEDULE PUBLIC HEARING:** M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

CARRIED: Y\_\_\_\_\_ N\_\_\_\_\_

GANN	A
LUNDSTROM	A
LOCEY	A
TORPEY	A
KANE	A

**CARRIED: Y ✓ N**

[illegible]

PUBLIC HEARINGS

MICHAEL\_FARICELLIA\_(06-47)

Mr. Michael Faricellia appeared before the board for this proposal.

MR. KANE: Request for 8 ft. rear yard setback for existing 8' x 4' shed and 7 ft. side yard setback and 8 ft. rear yard setback for existing 8' x 20' shed at 650 Blooming Grove Turnpike. At this point, I will ask if there's anybody here for this particular hearing? Okay, just going to ask you to write your name and address on it, they'll bring it out to you so we have it for the stenographer.

MR. KANE: Michael, same as the preliminary meeting, tell us what you want to do.

MR. FARICELLIA: I have two existing sheds on my property, they're in the back, back yard and trying to get a variance to make them legal.

MR. KANE: How long have the sheds been up, sir?

MR. FARICELLIA: One of them has been there probably 20 years and one of them has been there maybe 8 to 10 years, maybe five or six years.

MR. KANE: Cut down any substantial vegetation or trees in the building of the sheds?

MR. FARICELLIA: No, sir.

MR. KANE: Create any water hazards or runoffs?

MR. FARICELLIA: No.

MR. KANE: Any easements running through the areas where the sheds are?

MR. FARICELLIA: No, sir.

MR. KANE: Have you had any complaints about the sheds formally or informally over the years?

MR. FARICELLIA: No.

MR. KANE: That's the basic questions. At this point, we'll open it up to the public. Ma'am, speak up, state your name and address.

MS. BATTIPAGLIA: My name is Jacqueline Battipaglia, I live at 8 Parade Place. I live only 2 blocks from there. I got to know because this is nearly 200 square feet of storage space why we want that much storage space especially asking for a zoning variance.

MR. FARICELLIA: Well, I use it to store tools and things along those lines, I put my cars in the garage rather than store stuff in the garage.

MS. BATTIPAGLIA: I'd like to ask you, I don't know if this is appropriate but I'm curious just because of the number of critters in our area that tend to live underneath sheds including but not limited to skunks, raccoons and woodchucks as a person who lives in that area I'd like to see the number of sheds minimized especially when they're part of a variance and although these are where you store your tools now I have noticed your house is for sale and is this variance being asked as a convenience so you do not have to remove the shed or reposition them or these things that or just an extra 200 in storage space that the next owners are going to fully use?

MR. FARICELLIA: Well, I don't know what the next owner plans on doing with them, they're too large to move, they're sitting on gravel beds, so I don't have a problem with animals underneath them, they're built for

that reason.

MS. BATTIPAGLIA: I think it would be a neighboring thing to allow a shed especially requiring variance, it would be nice if we did not have them this close to either of the property lines. But since my good neighbor who we have never voiced opposition to the first shed or the second shed as new owners are taking possession of the house I would like to formally be considered for the removal of at least larger of the two sheds so as not to set a precedent for all the sheds that are sprouting up in our area.

MR. KANE: Nothing we do here sets a precedence, just so you know.

MS. BATTIPAGLIA: And I know I owe my neighbor a bit of an explanation and apology on this and again I have held out until the property was being sold. Since they are there now will not be a demonstrated need for whoever buys the property to have an extra 200 feet of storage space requiring a variance for both sheds.

MR. KANE: Thank you.

MS. BATTIPAGLIA: Thank you.

MR. KANE: Anybody else for this hearing? At this point, I'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On August 7, I mailed out 52 addressed envelopes and had no response.

MS. LOCEY: How long have the sheds been there?

MR. FARICELLIA: One's been there for almost 20 and the other between 5 and 6 years.

MR. KRIEGER: When you say they are attached, they are



attached to one another?

MR. FARICELLIA: Yes.

MR. KRIEGER: So it appears to be one shed.

MR. FARICELLIA: Right but one was there earlier than the other.

MR. KRIEGER: Just looks like an extension.

MR. FARICELLIA: Right, I didn't want to misconceive, it actually looks like two, he built them that way, it looks like two but they're right next to each other and the bases are together, they're attached, you couldn't move them.

MR. LUNDSTROM: Which was the one there for 20 years, the larger or smaller?

MR. FARICELLIA: The smaller one, there was one there when I bought the house, I tore that one down and built a smaller one and we put the larger one up, it's just longer because at the time I had a pool, I used to put the big pool handles and all the long stuff that wouldn't fit in my garage.

MR. LUNDSTROM: Would that hinder your ability to sell the property and the house?

MR. FARICELLIA: I won't have a variance, I won't be able to sell it.

MR. KANE: Is it reasonable to take one of the sheds down?

MR. FARICELLIA: My father built it, these things are built with 2 x 6's, it would be easier to take the house down.

August 28, 2006

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MR. KANE: Okay, any further questions from the board?  
I'll accept a motion.

MR. TORPEY: I will make a motion that we grant the applicant, Michael Faricellia, his request for eight foot rear yard setback for existing 8 x 4 shed and seven foot side yard setback and eight foot rear yard setback for existing 8 x 20 shed.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

JULY 24, 2006

6

PRELIMINARY MEETING

MICHAEL FARICELLIA

MR. KANE: The next preliminary meeting Michael Faricellia, request for an 8-foot rear yard setback for existing 8 by 4 shed and a 7-foot side yard setback and 8-foot rear yard setback for existing 8 by 20 shed at 650 Blooming Grove Turnpike in an R-4 Zone.

MR. FARICELLIA: How are you?

MR. KANE: Tell us what you want to do, step up, sir? Just state your name and address slowly so the young lady over there can hear you.

MR. FARICELLIA: Michael Faricellia, 650 Blooming Grove Turnpike, New Windsor, New York.

MR. KANE: You have existing sheds?

MR. FARICELLIA: Yes, I do.

MR. KANE: How long have they been up, sir?

MR. FARICELLIA: One of them has been up 20 some years and one of them has been up for maybe eight, nine years.

MR. KANE: Create any water hazards or runoffs in the building of the shed?

MR. FARICELLIA: No, sir.

MR. KANE: Cut down any trees or substantial vegetation?

MR. FARICELLIA: No, sir.

MR. KANE: Has there been any complaints formally or informally about the sheds over the last 20 years?

JULY 24, 2006

7

MR. FARICELLIA: No, sir.

MR. KANE: What do you use them for?

MR. FARICELLIA: Storage. Lawnmowers and tools and things like that so I can put my cars in the garage.

MR. KANE: Any power going out to them?

MR. FARICELLIA: No, sir.

MR. KANE: And obviously it would be a hardship to move them?

MR. FARICELLIA: Yeah. My father built them.

MR. KANE: Any easements running in the area where the sheds are, sir?

MR. FARICELLIA: No, sir.

MR. KANE: Any further questions from the Board?

MS. LOCEY: No.

MR. TORPEY: No.

MR. KANE: I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, I'll offer a motion that the application by Michael Faricellia's request for an 8-foot rear yard setback for existing 8 by 4 shed and 7-foot yard setback and 8-foot rear yard setback on existing 8 by 20 shed at 650 Blooming Grove Turnpike in an R-4 Zone be allowed to proceed to public hearing.

MR. TORPEY: I'll second that.

JULY 24, 2006

MR. KANE: Roll call.

ROLL CALL

MS. LOCEY: Aye.

MR. TORPEY: Aye.

MR. LUNDSTROM: Aye.

MR. KANE: Aye.

**AFFIDAVIT OF MAILING**

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

MICHAEL FARICELLIA

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

#06-47

X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 7TH day of AUGUST, 2006, I compared the 52 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason

Myra L. Mason, Secretary

28th day of August, 2006

LISA R. DISTEFANO  
Notary Public, State Of New York  
No. 01DI6050022  
Qualified In Orange County  
Commission Expires 10/30/ 06

Lisa R. DiStefano

Notary Public

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

**Appeal No. 06-47**

**Request of MICHAEL FARICELLIA**

**for a VARIANCE of the Zoning Local Law to Permit:**

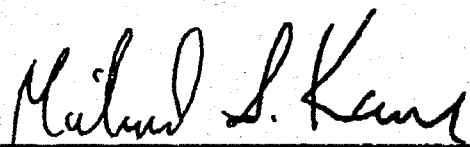
**Request for:**

**8 ft. Rear Yard Setback for existing 8' X 4' Shed and;**

**7 ft. Side Yard Setback and 8 ft. Rear Yard Setback for existing 8' X 20' Shed**

**at 650 Blooming Grove Turnpike in an R-4 Zone (45-1-11)**

**PUBLIC HEARING will take place on AUGUST 28, 2006**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**

A handwritten signature in dark ink, appearing to read "Michael S. Kane", written over a horizontal line.

**Michael Kane, Chairman**

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 07-20-06

FOR: ESCROW 06-47

FROM:

**Michael Faricellia**  
**650 Blooming Grove Tpk.**  
**New Windsor, NY 12553**

CHECK FROM:

**SAME**

CHECK NUMBER: 2741

TELEPHONE: 590-4300

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

Hei      7/27/06  
NAME                      DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

July 26, 2006

Michael Faricellia  
650 Blooming Grove Tpke.  
New Windsor, NY 12553

Re: 45-1-11

ZBA#: 06-47 (52)

Dear Mr. Farricellia:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00 minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wile, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Zoning Board

37-1-48

THE ORDER OF ST. HELENA  
PO BOX 426  
VAILS GATE, NY 12584

37-1-49

THE MCQUADE FOUNDTION  
PO BOX 4064  
NEW WINDSOR, NY 12553

45-1-6

WILLIAM JONES  
630 BLOOMING GROVE TPKE.,  
NEW WINDSOR, NY 12553

45-1-7

DEREK & JULIA PICKLES  
634 BLOOMING GROVE TPKE.,  
NEW WINDSOR, NY 12553

45-1-8

HELEN KISS  
640 BLOOMING GROVE TPKE.,  
NEW WINDSOR, NY 12553

45-1-9

JUERGEN & MARIA VOELKER  
642 BLOOMING GROVE TPKE.,  
NEW WINDSOR, NY 12553

45-1-10

ERIC TIRADO &  
MARILYN ECHEVARRIA  
646 BLOOMING GROVE TPKE.,  
NEW WINDSOR, NY 12553

45-3-5

CLEMENTINA GRIMANDO  
10 CANNON DR.  
NEW WINDSOR, NY 12553

45-4-7

KEVIN QUINN  
9 CONTINENTAL DR.  
NEW WINDSOR, NY 12553

45-4-8

MICHELE AHEARN &  
JOSEPH SMITH  
7 CONTINENTAL DR.  
NEW WINDSOR, NY 12553

45-1-12

FRANK & BARBARA PAVLIK  
4 CANNON DR.  
NEW WINDSOR, NY 12553

45-1-13

LESLIE & YOLANDA HERRERA  
2 CONTINENTAL DR.  
NEW WINDSOR, NY 12553

45-1-14

JAMES MCARDLE  
4 CONTINENTAL DR.  
NEW WINDSOR, NY 12553

54-1-15

RAYMOND &  
JODI-MARIE CIACCIO  
6 CONTINENTAL DR.  
NEW WINDSOR, NY 12553

45-1-16

MARK & LORENE VITEK  
8 CONTINENTAL DR.  
NEW WINDSOR, NY 12553

45-1-17

JOSE & HINDIRA CRUZ  
10 CONTINENTAL DR.  
NEW WINDSOR, NY 12553

45-3-4

PAUL & DONNA SABELLA  
22 PARADE PL.  
NEW WINDSOR, NY 12553

45-4-9

FRANCIS BEDETTI &  
CHRISTINE LUPARDO  
5 CONTINENTAL DR.  
NEW WINDSOR, NY 12553

45-4-10

CARLOS & ADELE TORRES  
3 CONTINENTAL DR.  
NEW WINDSOR, NY 12523

45-4-11

BERNARD &  
SELENE MCCOURTNEY  
1 CONTINENTAL DR.  
NEW WINDSOR, NY 12553

45-4-12

CHRISTOPHER &  
GAIL CINNANTE  
6 CANNON DR.  
NEW WINDSOR, NY 12553

45-4-13

JAMES & PAULA BRESNAN  
8 CANNON DR.  
NEW WINDSOR, NY 12553

45-4-14

MICHAEL & EILEEN DOWD  
12 PARADE PL.  
NEW WINDSOR, NY 12553

45-4-15

RICHARD BITTLES  
25 PARADE PL.  
NEW WINDSOR, NY 12553

45-4-16

MARC & CATHERINE MOREA  
27 PARADE PL.  
NEW WINDSOR, NY 12553

49-4-1

KENNETH & CAROL PICK  
21 PARADE PL.  
NEW WINDSOR, NY 12553

49-4-2

THERESA RUSSO  
27 PROVOST DR.  
NEW WINDSOR, NY 12553

49-4-3

JOSEPH & LYDIA COMO  
25 PROVOST DR.  
NEW WINDSOR, NY 12553

49-4-4

CHARLES &  
PATRICIA ROVETO  
23 PROVOST DR.  
NEW WINDSOR, NY 12553

49-4-5

WILLIAM & KAREN PARKER  
21 PROVOST DR.  
NEW WINDSOR, NY 12553

49-4-5  
WILLIAM & KAREN PARKER  
21 PROVOST  
NEW WINDSOR, NY 12553

49-4-20  
MARY ABBRUSCATO  
15 PARADE PL.  
NEW WINDSOR, NY 12553

49-4-21  
FRANCIS &  
MARLENE KOMSISKY  
17 PARADE PL.  
NEW WINDSOR, NY 12553

49-4-22  
DONALD & CAROLYN CRONIN  
19 PARADE PL.  
NEW WINDSOR, NY 12553

49-5-1  
DAVID & KATHLEEN BLACK  
5 CANNON DR.  
NEW WINDSOR, NY 12553

49-5-2  
ARTHUR & GESELLE MAY  
704 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553

49-5-3  
JESSE & CECELIA TAYLOR  
708 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553

49-5-4  
JOSE & EDITH OTERO  
712 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553

49-5-5  
ARAM & MARY CARAPETYAN  
716 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553

49-5-6  
JOHN & RAMONA GABBERT  
720 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553

49-5-26  
JAN & LORRAINE MCDONALD  
24 PROVOST DR.  
NEW WINDSOR, NY 12553

49-5-27  
DAVID & FRANCES MORRISON  
26 PROVOST DR.  
NEW WINDSOR, NY 12553

49-5-28  
WILLIAM SIMONI  
28 PROVOST DR.  
NEW WINDSOR, NY 12553

49-5-29  
MARK AULOGIA  
30 PROVOST DR.  
NEW WINDSOR, NY 12553

49-6-1  
CHARLES GREENEY  
2 ROCKY LN.  
NEW WINDSOR, NY 12553

49-6-2  
KURT OTTWAY JR. &  
DOROTHY META  
1 ROCKY LN.  
NEW WINDSOR, NY 12553

49-6-3  
MARJORIE ELLIS  
3 ROCKY LN.  
NEW WINDSOR, NY 12553

49-6-4  
ANNA BAK  
5 ROCKY LN.  
NEW WINDSOR, NY 12553

49-6-5  
ARTHUR & RENEE MILLER  
7 ROCKY LN.  
NEW WINDSOR, NY 12553

49-6-10  
WILLIAM & ANNA PRESTON  
8 ROCKY LN.  
NEW WINDSOR, NY 12553

49-6-11  
STANLEY & CLARA ZGRODEK  
6 ROCKY LN.  
NEW WINDSOR, NY 12553

49-6-12  
TERRAMAR ENTERPRISES LTD  
4 ROCKY LN.  
NEW WINDSOR, NY 12553



RESULTS OF Z.B.A. MEETING OF:

July 4, 2006

PROJECT: Michael Faricellia

ZBA # 06-47

P.B.# \_\_\_\_\_

USE VARIANCE:

NEED: EAF \_\_\_\_\_

PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LUNDSTROM \_\_\_\_\_

LOCEY \_\_\_\_\_

TORPEY \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LUNDSTROM \_\_\_\_\_

LOCEY \_\_\_\_\_

TORPEY \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LUNDSTROM \_\_\_\_\_

LOCEY \_\_\_\_\_

TORPEY \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LUNDSTROM \_\_\_\_\_

LOCEY \_\_\_\_\_

TORPEY \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) Lu S) I

VOTE: A 4 N 0

~~GANN~~

LUNDSTROM A

LOCEY A

TORPEY A

KANE A

CARRIED: Y ☒ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_

LUNDSTROM \_\_\_\_\_

LOCEY \_\_\_\_\_

TORPEY \_\_\_\_\_

KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

No electric

**● TOWN OF NEW WINDSOR ●**  
**REQUEST FOR NOTIFICATION LIST**

CHECKED BY MYRA: 07-24-06 mm

DATE: 07-24-06

PROJECT NUMBER: ZBA# 06-47 P.B. # \_\_\_\_\_

APPLICANT NAME: MICHAEL FARICELLIA

PERSON TO NOTIFY TO PICK UP LIST:

Michael Faricellia  
650 Blooming Grove Tpk.  
New Windsor, NY 12553

TELEPHONE: 590-4300

TAX MAP NUMBER:	SEC. <u>45</u>	BLOCK <u>1</u>	LOT <u>11</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	B LOCK _____	LOT _____

PROPERTY LOCATION: 650 BLOOMING GROVE TPK.  
NEW WINDSOR

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION \_\_\_\_\_  
(IS NOT PREPARED ON LABELS)

❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 2743

TOTAL CHARGES: \_\_\_\_\_



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

7/10/2006

Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

- I. **Owner Information:** Phone Number: (845) 5904300  
Michael Faricellia Fax Number: ( )  
(Name)  
650 Blooming grove tpke New Windsor, NY 12553  
(Address)
- II. **Applicant:** Phone Number: (845) 5904300  
Michael Faricellia Fax Number: ( )  
(Name)  
650 Blooming grove tpke New Windsor, NY  
(Address)
- III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )  
Fax Number: ( )  
(Name) N/A  
(Address)
- IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ( )  
Fax Number: ( )  
(Name) N/A  
(Address)
- V. **Property Information:**  
Zone: R-4 Property Address in Question: \_\_\_\_\_  
Lot Size: \_\_\_\_\_ Tax Map Number: Section 45 Block 1 Lot 11  
a. What other zones lie within 500 feet? none  
b. Is pending sale or lease subject to ZBA approval of this Application? no  
c. When was property purchased by present owner? 1978  
d. Has property been subdivided previously? no If so, When: \_\_\_\_\_  
e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? no  
f. Is there any outside storage at the property now or is any proposed? no

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VI. USE VARIANCE:**

Use Variance requested from New Windsor Zoning Local Law,

Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

Describe proposal:

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**VII.** The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

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**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	10 Ft	3 Ft	7 Ft
Reqd. Rear Yd.	10 Ft	2 Ft	8 Ft
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

There are two sheds in my back yard which are used  
For storage Both sheds have been there for many years.  
They are hand built and are not an eyesore. I placed  
them too close to my property line (didn't know that at the time)  
because I used to have a pool in my back yard which took  
up most of the yard. The pool is now gone and the  
sheds are still there. I don't believe any of my neighbors  
will have a problem with my sheds.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**OWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**X. SIGN VARIANCE:**

- (a) Variance requested from New Windsor Zoning Local Law,  
Section \_\_\_\_\_, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs \_\_\_\_\_?

**XI. INTERPRETATION:**

- (a) Interpretation requested of New Windsor Zoning Local Law,  
Section \_\_\_\_\_

- (b) Describe in detail the proposal before the Board:

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**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- \_\_\_\_\_
- \_\_\_\_\_

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

11 day of July 2006

Lois J. Manion  
Signature and Stamp of Notary

Michael J. Faricella  
Owner's Signature (Notarized)

Michael Faricella  
Owner's Name (Please Print)

\_\_\_\_\_  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

LOIS J. MANION  
Notary Public Reg. No. 01MA4047884  
Orange County, New York  
Commission Expires Feb. 27, 2007

COMPLETE THIS PAGE ☐

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
**TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS**

\_\_\_\_\_, deposes and says that he resides  
(OWNER)  
at \_\_\_\_\_ in the County of \_\_\_\_\_  
(OWNER'S ADDRESS)  
and State of \_\_\_\_\_ and that he is the owner of property tax map  
(Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in  
the foregoing application and that he authorizes:

\_\_\_\_\_  
(Applicant Name & Address, if different from owner)

\_\_\_\_\_  
( Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: \_\_\_\_\_

Sworn to before me this:

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\*\*

\_\_\_\_\_  
Owner's Signature (MUST BE NOTARIZED)

\_\_\_\_\_  
Applicant's Signature (If different than owner)

\_\_\_\_\_  
Representative's Signature

\_\_\_\_\_  
Signature and Stamp of Notary

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:**

**ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

**COMPLETE THIS PAGE ☐**

PROJECT I.D. NUMBER

617.21


SEQR

Appendix C

State Environmental Quality Review

# SHORT ENVIRONMENTAL ASSESSMENT FORM For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>Michael Faricellia</u>	2. PROJECT NAME <u>2 existing sheds on my property</u>
3. PROJECT LOCATION: Municipality <u>New Windsor</u> County <u>orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>650 Blooming grove tpke, New Windsor, NY 12553</u>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>There are two existing sheds in my Back yard that are Too close to the Property Line</u>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres    Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Michael Faricellia</u>	Date: <u>July 10, 2006</u>
Signature: <u></u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

## PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p><b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 8 NYCRR, PART 617.12?</b></p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p><b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 8 NYCRR, PART 617.6?</b></p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	<p>If No, a negative declaration may be superseded by another involved agency.</p>
<p><b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b></p> <p><b>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</b></p> <p style="text-align: center; margin-left: 100px;">NO</p> <p><b>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</b></p> <p style="text-align: center; margin-left: 100px;">NO</p> <p><b>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</b></p> <p style="text-align: center; margin-left: 100px;">NO</p> <p><b>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</b></p> <p style="text-align: center; margin-left: 100px;">NO</p> <p><b>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</b></p> <p style="text-align: center; margin-left: 100px;">NO</p> <p><b>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</b></p> <p style="text-align: center; margin-left: 100px;">NO</p> <p><b>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</b></p> <p style="text-align: center; margin-left: 100px;">NO</p>	
<p><b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b></p> <p><input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No    If Yes, explain briefly</p>	

## PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:</p>	
<p>_____ Name of Lead Agency</p>	
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (If different from responsible officer)</p>
<p>_____ Date</p>	



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

### **RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

### **MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

### **COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

### **INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

\*

### **ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

\*\*

LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH **"NOTICES OF PUBLIC HEARING"** TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.